

## REMARKS

### 1. Preliminary Remarks

#### a. Status of the Claims

Claims 53-66 are pending in this application. Claims 54-60 and 62-66 are canceled without prejudice. Claims 53 and 61 are amended. Applicant requests that the amendments and remarks made herein be entered into the file history of the application. Upon entry of the amendments, claims 53 and 61 will be pending and under active consideration.

#### b. Amendments to the Claims

In order to expedite prosecution and without prejudice for seeking claims of similar scope in a continuing application, claims 54-60 and 62-66 are canceled without prejudice. Claims 53 and 61 are amended to define the electron withdrawing groups of (C and E) as nitrile. Support for amended claims 53 and 61 can be found throughout the specification, for example, page 10, lines 8, page 12, lines 4-10 in combination with page 13, lines 20-33 showing a nitrile represented by C and E.

### 2. Patentability Remarks

#### a. 35 U.S.C. § 112, second paragraph

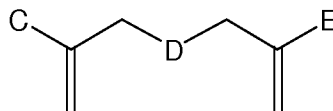
On page 3 of the Office Action, the Examiner rejects claims 53-66 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The Examiner asserts that claims 53, 56, 61, and 64 recite C1-C30 aryls and C2-C30 aralkyls, but there are no aryl groups with just one carbon and no aralkyl groups with just 2 carbons. In addition, the Examiner alleges that the claim language “groups C, D, and E remain respectfully unchanged in every monomer polymerized” does not properly limit that all monomers are identical under the general formula in claim 53.

In view of the foregoing amendments discussed above, claims 53 and 61 are directed to a cross-linked polyether with the same electron withdrawing group (a nitrile) and with a D group that is either a PEG, PPG, or poly (THF). Applicant submits that the issue related to the aryls and aralkyls is moot. With regard to the issue of the composition of the polyether, the claim language now states that all the monomers of the polyether or method of preparing the polyether are identical, and therefore particularly points out and distinctly claims the subject matter which the Applicant regards as his invention. Accordingly, Applicant submits that the rejection of claims 53-66 under 35 U.S.C. § 112, second paragraph, has been overcome and requests that the rejection be withdrawn.

**b. 35 U.S.C. § 102***Kunita—U.S. Patent No. 6,476,092*

On pages 4 and 5 of the Office Action, the Examiner rejects claims 53-66 under 35 U.S.C. §102(b) as allegedly being anticipated by Kunita, U.S. Patent No. 6,476,092 (hereafter “Kunita”). The Examiner asserts that Kunita teaches a photopolymerizable material (D-3 and D-4) that anticipates the recited monomers. In view of the foregoing amendments, Applicant respectfully disagrees.

Amended claims 53 and 61 are directed to a cross-linked polyether or method of preparing



which is obtained by polymerizing a monomer of the general formula wherein D is PEG, PPG or poly(THF), and C and E are independently a nitrile, wherein all the monomers of the cross-linked polyether are identical. Applicant submits that Kunita does not teach or suggest a cross-linked polymer with a nitrile electron withdrawing group on either end of the molecule. According, Kunita does not anticipate amended claims 53 and 61. As discussed above, claims 54-60 and 62-66 are canceled without prejudice. In view of the foregoing amendment, Applicant submits that the rejection of claims 53-66 under 35 U.S.C. §102(b) has been overcome and should be withdrawn.

*Cote—U.S. Patent No. 7,235,297*

On page 5-7 of the Office Action, the Examiner rejects claims 53-57, 59, and 61-65 under 35 U.S.C. § 102(b) as allegedly being anticipated by US 7,235,297 (“Côté” hereafter). The Examiner asserts that the instantly claimed subject matter of the Applicant does not exclude the incorporation of other monomers in addition to the recited monomer and thereby reads on Côté as Côté discloses a cross-linked polyether made by using a co-polymer. In view of the foregoing amendments, Applicant respectfully disagrees.

The amendment to independent claims 53 and 61 clearly indicates that the monomers of the claimed cross-linked polyether are of one type, as the D, C, and E groups of every monomer of the cross-linked polyether are the same, and more specifically, the C and E groups are nitrile. Nowhere in Cote is there a teaching of a polyether polymer with nitrile electron withdrawing groups. In addition, Applicant submits that the claim language excludes the incorporation of other monomers in addition to the claimed monomer, and therefore the instant claims relate to a polyether made from only one type of monomer.

In stark contrast, Côté requires copolymerization of at least one polymerizable monomer with at least one cross-linker or divinyl benzene—thus requiring **at least two different components**. *See* Côté at column 4, lines 30-37. Côté does not teach or suggest making a polymer using only one type of monomer in combination with nitrile electron withdrawing groups. Accordingly, the instantly claimed subject matter of claims 53 and 61 is readily distinguishable from the polyether disclosed by Côté. In view of the foregoing amendment and remarks, Applicant respectfully submits that the rejection of claims 53-57, 59, and 61-65 under 35 U.S.C. § 102(b) in view of Côté has been overcome and requests that the rejection should be withdrawn.

### 3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,  
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